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Filing date: **12/05/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	79114008
Applicant	Van Es Home B.V.
Applied for Mark	ESSENZA
Correspondence Address	Mary Catherine Merz Merz & Associates, P.C. 1010 Lake Street, Suite 400 Oak Park, IL 60301-1135 UNITED STATES docket@merz-law.com, jwidmer@merz-law.com
Submission	Appeal Brief
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Signature	/Mary Catherine Merz/
Date	12/05/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re application of:	)	
	)	
Van Es Home B.V.	)	
	)	
Serial No: 79/114,008	)	Appeal Filed: 10/17/2014
	)	
Filed: May 21, 2012	)	
	)	
Mark: ESSENZA	)	

**APPLICANT'S APPEAL BRIEF**

I. Introduction

Pursuant to Notice of Appeal filed October 17, 2014, Van Es Home B.V. ("Applicant") is appealing the Examining Attorney's refusal to register Applicant's applied-for mark ESSENZA for the goods in U.S. Trademark Application Serial No. 79/114,008 on the grounds that there is a likelihood of confusion between the applied-for-mark and the mark in U.S. Trademark Registration No. 3728500 ("Registration No. 3728500"). It is not disputed that the applied-for-mark and Registration No. 3728500 are both used for goods in Class 24. However, the Examining Attorney has continued the refusal determining that the applied-for-mark and Registration No. 3728500 are similar, while the Applicant asserts that the commercial impressions of the marks are

distinct. Applicant submits the following evidence in support of Applicant's position.

## II. Relevant Facts

On May 21, 2012, Applicant filed its trademark application for the mark ESSENZA in Classes 18, 21, 24 and 25. The Examining Attorney issued an initial Office Action on September 17, 2012, refusing registration as to certain goods under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), because of a likelihood of confusion with the marks in U.S. Registration Nos. 1204615 (ESSENCE for Class 25 goods), 2889869 (ESSENCE for Class 21 goods), 3440830 (E ESSENCE and Design for Class 8, 16, 21, 26 and 35 goods and services), 3519154 (ESSENCE for Class 25 goods), and 4012729 (ESSENZA for Classes 3 and 21). The Examining Attorney did not cite Registration No. 3728500 against the applied-for-mark in the initial Office Action.

On March 14, 2013, Applicant filed a Response to the Office Action, deleting the Class 18, 21 and 25 goods from the application and arguing that the application should be allowed to register for the remaining Class 24 goods, which are the following

Textiles and textile goods, not included in other classes, namely, household linen, bed linen, bath linen, bed sheets, pillow shams, pillow cases, bed blankets, comforters, quilts, bedspreads, bed covers,

coasters of textile, duvet covers, duvets, dust  
ruffles, mattress covers, towels, bath towels, beach  
towels, traveling rugs, face cloths, shower curtains,  
table linen, table covers of textile, table cloths of  
textile, fabric table runners, table napkins of  
textile, place mats of textile material, curtains,  
draperies, unfitted fabric furniture covers, fabric  
flags, handkerchiefs, cloth labels, floor towels,  
curtain tie-backs in the nature of textile curtains  
holders, net curtains, upholstery fabrics, wall  
hangings of textiles

As a result of Applicant's response, the Examining Attorney  
deleted the Class 18, 21 and 25 goods from Serial No. 79/114,008  
and withdrew her refusal to register the mark based upon those  
cited-registrations. However, in the second Office Action  
issued on October 18, 2013, the Examining Attorney then refused  
registration of the applied-for-mark due to a likelihood of  
confusion with Registration No. 3728500 for



for the Class 24 goods  
identified in the registration.

Applicant filed its response to the second Office Action on April 10, 2014 arguing that (1) the sight, sound and connotation of the applied-for-mark and the mark in Registration No. 3728500 are different, (2) U.S. Trademark Application Serial No. 77/572,170<sup>1</sup> for ESSENZA for "bath linens" in Class 24 already had co-existed with Registration No. 3728500, and (3) the PAGLIERI ESSENZA AUTENTICA and Design mark is not strong because it is not well-known for the goods and services identified in the registration. However, the Examining Attorney issued a Final Office Action on April 28, 2014 continuing her likelihood of confusion refusal. As a result, on October 17, 2014 Applicant timely filed its Notice of Appeal, for which this brief now provides support.

### III. Argument

The Examining Attorney's refusal to register the applied-for-mark due to a likelihood of confusion is based upon her determination that 1) the applied-for-mark and the mark in Registration No. 3728500 are similar, 2) the goods are similar and 3) the trade channels are similar. Applicant respectfully disagrees with the Examining Attorney's refusal for the following reasons.

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<sup>1</sup> Due to a typographical error in the serial number cited in Applicant's response, the Examining Attorney appears not to have considered this argument. However, Applicant's response clearly referred to the earlier ESSENZA application for "bath linens" in Class 24. A quick search of the TESS database for "ESSENZA" in Class 24 would have pulled up the ESSENZA application to which Applicant's response referred.

- A. Giving greater weight to the dominant feature of each mark supports the conclusion that there is no confusion as to the source of the parties' respective goods.

The Examining Attorney disagrees with the Applicant's assertion that the applied-for-mark and the mark in the cited-registration are distinct from each other. She argues that the word portion of the cited-registration, PAGLIERI ESSENZA AUTENTICA, should be given greater weight than the design portion when determining whether marks are confusingly similar. She then concludes that, because the applied-for-mark is ESSENZA alone, it contains the same common wording as the cited-registration and is not distinct from the cited registration. However, this conclusion is not supportable when due consideration is given to the dominant portion of each of the marks.

It is well settled that one feature of a mark may be more significant than another, and it is not improper to give more weight to this dominant feature in determining the commercial impression created by the mark. *In re National Data Corp.*, 753 F.2d 1056, 224 USPQ 749, 751 (Fed. Cir. 1985) ("There is nothing improper in stating that, for rational reasons, more or less weight has been given to a particular feature of a mark, provided the ultimate conclusion rests on consideration of the marks in their entireties. Indeed, this type of analysis appears

to be unavoidable." ). In the cited-registration, the literal portion of the mark, namely the words "PAGLIERI ESSENZA AUTENTICA," is dominated by the source-identifying word, namely "PAGLIERI." Thus, the word "PAGLIERI" is the dominant feature of the cited-registration and should be given the most weight.

The dominant portion of the applied-for-mark is ESSENZA. Since the dominant portion of the applied-for-mark and the mark in the cited registration are not the same, consumers will not be confused as to the source of the parties' respective goods. Consumers will request PAGLIERI ESSENZA AUTENTICA and Design products using "PAGLIERI." Consumers will request the Applicant's products using "ESSENZA.".

- B. There is no likelihood of confusion due to the distinct commercial impression created by the marks and the differences in sight, sound and connotation.

The test, under the first du Pont factor, is not whether the marks can be distinguished when subjected to a side-by-side comparison, but rather whether the marks are sufficiently similar in terms of their overall commercial impression that confusion as to the source of the goods and/or services offered under the respective marks is likely to result. The focus is on the recollection of the average purchaser, who normally retains a general rather than a specific impression of trademarks. See *Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106 (TTAB 1975).

The Examining Attorney has determined that the applied-for-mark is likely to cause confusion with the mark in the cited registration because the applied-for-mark is ESSENZA alone without any additional elements. However, the word portion of the mark in the cited registration is not ESSENZA alone, but PAGLIERI ESSENZA AUTENTICA. It is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and remembered. See *Palm Bay Imports Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005) (first part of mark more prominent); *Presto Prods. Inc. v. Nice-Pak Prods., Inc.*, 9 USPQ2d 1895, 1897 (TTAB 1998). This means that the average purchaser, when confronted with the PAGLIERI ESSENZA AUTENTICA and Design mark, is most likely to focus on the "PAGLIERI" portion of the mark. Consequently, the PAGLIERI ESSENZA AUTENTICA and Design mark makes a different commercial impression upon consumers than the ESSENZA mark.

Ultimately the marks must be compared in their entireties, including any design feature and minimally stylized lettering. *In re National Data Corp.*, 732 F.2d 1056, 224 USPQ 749 (Fed. Cir. 1985) When this comparison is made, the visual differences between the design mark in the cited registration and the Applicant's word mark are striking and memorable. This is especially true because the cited-registration includes a



prominent, stylized rose design in addition to the words PAGLIERI ESSENZA AUTENTICA. Further, "PAGLIERI" is in a much larger, stylized font than the phrase "ESSENZA AUTENTICA", which appears in a much smaller, less ornate font beneath PAGLIERI. This prominent placement of "PAGLIERI" gives greater emphasis to the "PAGLIERI" portion of the mark and makes it more memorable to consumers. Consumers also are more likely to remember the combination of the rose design with the word PAGLIERI than to remember the less visible "ESSENZA AUTENTICA" wording.

The marks also sound different. In the cited-registration, PAGLIERI comes first and is more likely to be seen, heard and remembered by consumers along with the prominent rose design. When confronted with the cited-registration, consumers most likely will dispense with the phrase "ESSENZA AUTENTICA" altogether because it does not feature prominently in the mark. On the other hand, Applicant's mark is the word ESSENZA alone and that is what consumers will see, hear and remember.

Finally, the applied-for-mark and the mark in the cited-registration have different connotations. The translation of the applicant's ESSENZA mark is "essence", while the PAGLIERI portion of the mark in the cited-registration, which is the dominant portion of the mark and what consumers will remember, is the name of the owner of the cited-registration. "PAGLIERI" has no dictionary meaning. Given the dissimilarities in the

sight and sound of the marks and the differences in connotation, the marks in their entireties convey significantly different commercial impressions and there is no likelihood of confusion.

- C. The PTO has previously determined that there is no likelihood of confusion between the mark ESSENZA and the mark in the cited-registration.

U.S. Trademark Application Serial No. 77/572,170 for ESSENZA for "bath linens" in Class 24 co-existed with the PAGLIERI ESSENZA AUTENTICA and Design mark. This was despite the fact that the PAGLIERIE ESSENZA AUTENTICA and Design application pre-dated Serial No. 77/572,170 and both applications covered "bath linens" in Class 24. In fact, the ESSENZA mark would have continued to co-exist as a registration along with the mark in the cited-registration if Serial No. 77/572,170 had not gone abandoned for failure of that applicant to file a Statement of Use.

Although prior decisions of the PTO are not binding upon the Trademark Trial and Appeal Board, the fact that ESSENZA and PAGLIERI ESSENZA AUTENTICA previously were allowed to co-exist is very persuasive and casts doubt on the Examining Attorney's refusal to register the applied-for-mark for the same goods in Class 24. Arguably, the Applicant's ESSENZA mark also should be able to coexist with the cited-registration.

D. The strength of the mark in the cited-registration does not support a determination of a likelihood of confusion.

The Applicant acknowledges that the Examining Attorney is not required to establish the fame of the cited registration. However, the Examining Attorney does have the burden of proving a likelihood of confusion by a preponderance of the evidence.

*E.I. du Pont de Nemours & Co. v. Yoshida Int'l., Inc.*, 185 U.S.P.Q. 597 [E.D.N.Y 1975].

The Examining Attorney argues that the PAGLIERI AUTENTICA ESSENZA and Design mark is the only active registration containing the element "ESSENZA" for goods in Class 24, thereby making it a strong mark. However, a search of the PTO's TESS database for marks containing "ESSENZA" produces 18 active trademark registrations and applications, not including the applied-for-mark (see Exhibit A, attached). Since "ESSENZA" translates to "ESSENCE", a search of the TESS database for marks containing "ESSENCE" produces 806 active trademark registrations and applications (see Exhibit B, attached, which is a printout of the list of the first 50 marks). Even more importantly, among the marks containing "ESSENCE" there are six additional active registrations and four additional active applications which cover goods in Class 24 (see Exhibit C, attached) (three of the applications already have published for opposition and

pending registration as soon as a Statement of Use has been filed).

In short, "ESSENZA" or "ESSENCE" is not an uncommon mark and the evidence in the record is not sufficient to show that PAGLIERI AUTENTICA ESSENZA and Design is a strong mark. Perhaps the PAGLIERI portion of the mark is strong, but certainly not the ESSENZA portion of the mark. Although both the applied-for-mark and the mark in the cited-registration include ESSENZA, since this common element is weak, consumer confusion is not likely due to the common ESSENZA element.

#### IV. Conclusion

The burden is on the Examining Attorney to establish the cited grounds for refusal. *In re Nantucket, Inc.*, 213 U.S.P.Q. 889 (C.C.P.A. 1982); *In re Standard Elektrik Lorenz Aktziengesellschaft*, 152 U.S.P.Q. 563 (C.C.P.A. 1967). For the reasons set forth above, it is respectfully submitted that the justifications for the position that ESSENZA is likely to be confused with the mark in the cited-registration are without merit, and the Examining Attorney's burden has not been met. In view of the above argument and explanation, applicant

respectfully requests that the refusal to register be withdrawn  
and this application be approved for publication.

Respectfully submitted,

Van Es Home B.V.

A handwritten signature in cursive script that reads "Mary Catherine Merz". The signature is written in dark ink and is positioned above the typed name and address block.

Date: December 5, 2014

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**EXHIBIT A**



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1	86324843		ESSENZA	TSDR	LIVE
2	85895810	4507765	ESSENZA DI VITA	TSDR	LIVE
3	85343934	4403777	ESSENZA DI CORTINA	TSDR	LIVE
4	85343868	4407500	ESSENZA DI ISCHIA	TSDR	LIVE
5	85340927	4376965	ESSENZA DI CAPRI	TSDR	LIVE
6	85231135	4034232	ETHICA ESSENZA DEL VINO	TSDR	LIVE
7	85124698	4027041	ESSENZA DI MARE	TSDR	LIVE
8	79114008		ESSENZA	TSDR	LIVE
9	79111680	4449405	ESSENZA	TSDR	LIVE
10	79071393	3752567	MAGNETOM ESSENZA	TSDR	LIVE
11	79055441	3728500	PAGLIERI ESSENZA AUTENTICA	TSDR	LIVE
12	79053463	3744807	TRUSSARDI ESSENZA DEL TEMPO	TSDR	LIVE
13	79048298	3477014	MAGNETOM ESSENZA	TSDR	LIVE
14	79041568	3476890	ESSENZA	TSDR	LIVE
15	79041147	3853661	ESSENZA STYLE	TSDR	LIVE
16	78431975	3096581	NESPRESSO ESSENZA	TSDR	LIVE
17	78211954	3756142	ERMENEGILDO ZEGNA ESSENZA DI ZEGNA	TSDR	LIVE
18	77762421	3739731	ESSENZA	TSDR	LIVE
19	77071961	4012729	ESSENZA	TSDR	LIVE

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**EXHIBIT B**





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2	86293737		DIAMOND ESSENCE	TSDR	LIVE
3	86158341		SLEEP* ESSENCE	TSDR	LIVE
4	86368758		THE ESSENCE OF WINE	TSDR	LIVE
5	86213896		KENSHO	TSDR	LIVE
6	86366326		ESSENCE	TSDR	LIVE
7	86342444		BIOESSE PROBIOTIC ESSENCE FOR THE SKIN	TSDR	LIVE
8	86365272		RAREESSENCE	TSDR	LIVE
9	86345637		EARTH ESSENCE DEEP BEAUTY	TSDR	LIVE
10	86331274		OPULESSENCE	TSDR	LIVE
11	86155373		AURA ESSENCE	TSDR	LIVE
12	86088411		ESSENCE OF EVENTS	TSDR	LIVE
13	86454859		ESSENCE OF JADE	TSDR	LIVE
14	86360026		PDE	TSDR	LIVE
15	86299216		HERBAL ESSENCES	TSDR	LIVE
16	86212235		VANESSA'S ESSENCE NATURAL HAIR CARE	TSDR	LIVE
17	86326302		HEALTH ESSENCE USA	TSDR	LIVE
18	86231543	4640325	BLESSED ESSENCE	TSDR	LIVE
19	86179891		ESSENCE OF BEAUTY	TSDR	LIVE
20	86124215		MAH ZE DAHR BAKERY A COLICCHIO DISCOVERY	TSDR	LIVE
21	86092412	4639720	CELL ESSENCE	TSDR	LIVE
22	86002702		SUMMER ESSENCE	TSDR	LIVE
23	86449098		ESSENCE OF PEACE	TSDR	LIVE

24	86448800		ESSENCE OF PEACE	TSDR	LIVE
25	86448131		CELLESSENCE	TSDR	LIVE
26	86262293		HOMEESSENCE	TSDR	LIVE
27	86446961		DRINK PIXÁN. DRINK HAPPINESS.	TSDR	LIVE
28	86268667		PURE ESSENCE	TSDR	LIVE
29	86210230		ESSENCES INSENSÉES	TSDR	LIVE
30	86186044		FANATIC ESSENCE	TSDR	LIVE
31	86052761		LAUSDEO ESSENCE OF POWER	TSDR	LIVE
32	86442381		DOMAINE VERDANT QUINTESSENCE	TSDR	LIVE
33	86441848		BAICAO ACU-MOXA ESSENCES	TSDR	LIVE
34	86344817		ECO-ESSENCE	TSDR	LIVE
35	86438986		FLEURESENCE	TSDR	LIVE
36	86434470		HANFANG ( ) TCM ESSENCE	TSDR	LIVE
37	86417626		HANGANG (???TCM ESSENCE	TSDR	LIVE
38	86438027		FEMESSENCE	TSDR	LIVE
39	86065443		ESSENCE ULTIME	TSDR	LIVE
40	86339327		ESSENCE   SYNERGY	TSDR	LIVE
41	86294223		VINE ESSENCE PILL	TSDR	LIVE
42	86025901	4633568	WILD ESSENCE HALLE BERRY	TSDR	LIVE
43	86433694		PEARLESSENCE	TSDR	LIVE
44	86432244		SOULFUL ESSENCE	TSDR	LIVE
45	86362670		INNER CHANGING ESSENCE	TSDR	LIVE
46	86058908		PEARLESENCE	TSDR	LIVE
47	86303780		ESSENCE OF PROSPERITY	TSDR	LIVE
48	86271014		EVOKING ESSENCE	TSDR	LIVE
49	86152045	4623745	SPIRIT OF S.T.Y.L.E. { SPIRITUALLY TRANSLATING YOUR LIFE'S ESSENCE }	TSDR	LIVE
50	86000669	4623307	HERA CELL ESSENCE	TSDR	LIVE

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3	85782767		PURE ESSENCE	TSDR	LIVE
4	85470592		FOAMESENCE	TSDR	LIVE
5	85870989		COOL ESSENCE	TSDR	LIVE
6	85351553	4067305	ULTRA ESSENCE	TSDR	LIVE
7	85302782	4082842	HOMEESSENCE	TSDR	LIVE
8	79114008		ESSENZA	TSDR	LIVE
9	79055441	3728500	PAGLIERI ESSENZA AUTENTICA	TSDR	LIVE
10	78979096	3641349	ESSENCE OF TOUCH	TSDR	LIVE
11	77801276	3833856	SOBEL ESSENCE	TSDR	LIVE
12	77378485	3533490	PEARL ESSENCE	TSDR	LIVE
13	76567463	3207060	OPALESSENCE	TSDR	LIVE

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**Goods and Services**

IC 016. US 002 005 022 023 029 037 038 050. G &amp; S: art pictures and art prints. FIRST USE: 20090601. FIRST USE IN COMMERCE: 20090601

IC 020. US 002 013 022 025 032 050. G &amp; S: decorative pillows, utility pillows; feather beds; bedroom furniture, living room furniture, office furniture, outdoor furniture; mirrors, picture frames. FIRST USE: 20090601. FIRST USE IN COMMERCE: 20090601

IC 021. US 002 013 023 029 030 033 040 050. G &amp; S: soap dishes, lotion containers sold empty for domestic use, toothbrush holders, ceramic tissue box covers, waste baskets. FIRST USE: 20090601. FIRST USE IN COMMERCE: 20090601

IC 024. US 042 050. G &amp; S: comforters, quilts, coverlets, bedspreads, duvet covers, shams, bed blankets, throws, mattress pads, pillow covers; sheet sets; draperies, fabric valances, fabric sheers, swags; shower curtains, bath towels. FIRST USE: 20090601. FIRST USE IN COMMERCE: 20090601

**Mark Drawing Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Serial Number**

86262293

**Filing Date**

April 25, 2014

**Current Basis**

1A

**Original Filing Basis**

1A

**Owner**

(APPLICANT) E &amp; E Co., Ltd. DBA JLA Home CORPORATION CALIFORNIA 45875 Northport Loop E Fremont CALIFORNIA 94538

**Prior Registrations** 4082842

**Description of Mark** The color(s) light burgundy and white is/are claimed as a feature of the mark. The mark consists of the word "HOME" in bold white combined with the word "ESSENCE" also in white against a light burgundy background.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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<b>Word Mark</b>	DREAMESSENCE
<b>Goods and Services</b>	IC 024. US 042 050. G & S: Bed blankets; Bed covers; Bed sheets; Bed spreads; Fitted bed sheets; Flat bed sheets. FIRST USE: 20140324. FIRST USE IN COMMERCE: 20140324
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	85651996
<b>Filing Date</b>	June 14, 2012
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	November 6, 2012
<b>Registration Number</b>	4645547
<b>Registration Date</b>	November 25, 2014
<b>Owner</b>	(REGISTRANT) Homtex, Inc. CORPORATION ALABAMA 15296 Alabama Highway 157 Vinemont ALABAMA 35179
<b>Attorney of Record</b>	Lorri W. Cooper
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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# PURE ESSENCE

**Word Mark** PURE ESSENCE**Goods and Services** IC 020. US 002 013 022 025 032 050. G & S: PILLOWS, FIBER BEDS, MATTRESS TOPPERS, FEATHER BEDS

IC 022. US 001 002 007 019 022 042 050. G &amp; S: DOWN FILL

IC 024. US 042 050. G &amp; S: BED BLANKETS, MATTRESS PADS, MATTRESS COVERS, COMFORTERS, PILLOW COVERS

**Standard Characters Claimed****Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 85782767**Filing Date** November 19, 2012**Current Basis** 1B**Original Filing Basis** 1B**Published for Opposition** October 29, 2013**Owner** (APPLICANT) HOLLANDER SLEEP PRODUCTS, LLC LIMITED LIABILITY COMPANY  
DELAWARE 6501 CONGRESS AVENUE, SUITE 300 BOCA RATON FLORIDA 33487**Assignment Recorded** ASSIGNMENT RECORDED**Attorney of Record** Bruce H. Sales**Type of Mark** TRADEMARK



Register PRINCIPAL  
Live/Dead Indicator LIVE

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<b>Word Mark</b>	FOAMESSENCE
<b>Goods and Services</b>	IC 024. US 042 050. G & S: Synthetic textile fibers sold as an integral component of mattress pads
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	85470592
<b>Filing Date</b>	November 11, 2011
<b>Current Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	February 28, 2012
<b>Owner</b>	(APPLICANT) INVISTA North America S.a.r.l. CORPORATION LUXEMBOURG 4123 E. 37th Street N. Wichita KANSAS 67220
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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# COOL ESSENCE

**Word Mark****COOL ESSENCE****Goods and Services**

IC 020. US 002 013 022 025 032 050. G &amp; S: Bed pillows; Bedroom furniture; Beds, mattresses, pillows and bolsters; Furniture; Head supporting pillows; Mattress cushions; Mattress foundations; Mattress toppers; Mattresses; Neck-supporting pillows; Pillows. FIRST USE: 20140324. FIRST USE IN COMMERCE: 20140324

IC 024. US 042 050. G &amp; S: Bed covers; Bed linen; Bed pads; Bed sheets; Bed skirts; Bed spreads; Curtains; Fitted bed sheets; Flat bed sheets; Mattress covers; Mattress pads; Pillow cases; Pillow covers; Pillow shams; Sheet sets; Towels. FIRST USE: 20140324. FIRST USE IN COMMERCE: 20140324

**Standard Characters Claimed****Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Serial Number** 85870989**Filing Date** March 8, 2013**Current Basis** 1B**Original Filing Basis** 1B**Published for Opposition** July 16, 2013**Owner** (APPLICANT) HomTex, Inc. CORPORATION ALABAMA 15295 AL Highway 157 Vinemont ALABAMA 35179

**Attorney of  
Record** Lorri W. Cooper  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead  
Indicator** LIVE

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**Record 6 out of 13**[TSDR](#)[ASSIGN Status](#)[TTAB Status](#)*( Use the "Back" button of the Internet Browser to return to TESS)***ULTRA ESSENCE****Word Mark****ULTRA ESSENCE****Goods and Services**

IC 020. US 002 013 022 025 032 050. G &amp; S: Pillows. FIRST USE: 20100401. FIRST USE IN COMMERCE: 20100401

IC 024. US 042 050. G &amp; S: Comforters. FIRST USE: 20100401. FIRST USE IN COMMERCE: 20100401

**Standard Characters Claimed****Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Serial Number**

85351553

**Filing Date**

June 21, 2011

**Current Basis**

1A

**Original Filing Basis**

1A

**Published for Opposition**

September 20, 2011

**Registration Number**

4067305

**Registration Date**

December 6, 2011

**Owner**

(REGISTRANT) Pacific Coast Feather Company CORPORATION WASHINGTON P.O. Box 80385 Seattle WASHINGTON 98108

**Attorney of Record**

Clark A. Puntigam.

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

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# HOMEESSENCE

<b>Word Mark</b>	HOMEESSENCE
<b>Goods and Services</b>	IC 024. US 042 050. G & S: Bed blankets; Bed sheets; Bed skirts; Bed throws; Blanket throws; Comforters; Lap blankets; Pillow cases; Pillow shams; Sheet sets. FIRST USE: 20090601. FIRST USE IN COMMERCE: 20090601
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	85302782
<b>Filing Date</b>	April 22, 2011
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	October 25, 2011
<b>Registration Number</b>	4082842
<b>Registration Date</b>	January 10, 2012
<b>Owner</b>	(REGISTRANT) E & E Co., LTd. CORPORATION CALIFORNIA 45875 Northport Loop E Fremont CALIFORNIA 94538
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL

**Live/Dead  
Indicator****LIVE**

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# Essence of Touch

**Word Mark****ESSENCE OF TOUCH****Goods and Services**

IC 021. US 002 013 023 029 030 033 040 050. G &amp; S: Bath products, namely, body sponges; Bath products, namely, loofah sponges; Bath sponges. FIRST USE: 20080401. FIRST USE IN COMMERCE: 20080401

IC 024. US 042 050. G &amp; S: Bath mitts; Wash cloths. FIRST USE: 20060401. FIRST USE IN COMMERCE: 20060401

**Standard Characters Claimed****Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Serial Number**

78979096

**Filing Date**

September 8, 2006

**Current Basis**

1A

**Original Filing Basis**

1B

**Published for Opposition**

December 25, 2007

**Registration Number**

3641349

**Registration Date**

June 16, 2009



**Owner** (REGISTRANT) Drake-Bluestein, Inc. CORPORATION CALIFORNIA Suite 100 8440 Rovana  
Circle Sacramento CALIFORNIA 95828

(LAST LISTED OWNER) EVRIHOLDER PRODUCTS LLC LIMITED LIABILITY COMPANY  
INDIANA 1500 SOUTH LEWIS STREET ANAHEIM CALIFORNIA 92805

**Assignment  
Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Louis C. Paul

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead  
Indicator** LIVE

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**SOBEL ESSENCE****Word Mark**

SOBEL ESSENCE

**Goods and Services**

IC 024. US 042 050. G &amp; S: Towels and washcloths. FIRST USE: 20071219. FIRST USE IN COMMERCE: 20071219

**Standard Characters Claimed****Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Serial Number**

77801276

**Filing Date**

August 10, 2009

**Current Basis**

1A

**Original Filing Basis**

1A

**Published for Opposition**

June 1, 2010

**Registration Number**

3833856

**Registration Date**

August 17, 2010

**Owner**

(REGISTRANT) Sobel Westex CORPORATION NEVADA 2670 S. Western Avenue Las Vegas NEVADA 89109

**Attorney of Record**

W. West Allen

**Prior Registrations**

3493369;3590854;3646182;AND OTHERS

**Type of Mark**

TRADEMARK

**Register**

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# Pearl Essence

<b>Word Mark</b>	PEARL ESSENCE
<b>Goods and Services</b>	IC 024. US 042 050. G & S: Bath towels; Bath linen; Bath sheets; Face towels of textiles; Hand towels; Large bath towels; Towel sets, Bath Rug, Shower Curtain. FIRST USE: 20080123. FIRST USE IN COMMERCE: 20080123
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77378485
<b>Filing Date</b>	January 23, 2008
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	September 2, 2008
<b>Registration Number</b>	3533490
<b>Registration Date</b>	November 18, 2008
<b>Owner</b>	(REGISTRANT) Bardwil Industries CORPORATION NEW YORK 1071 Sixth Avenue new york NEW YORK 10018
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL

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Indicator****LIVE**

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